

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0311 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013694	International filing date (<i>day/month/year</i>) 02.12.2004	Priority date (<i>day/month/year</i>) 10.12.2003
International Patent Classification (IPC) or national classification and IPC E05C9/18 E05C9/02 .		
Applicant DIRAK DIETER RAMSAUER KONSTRUKTIONSELEMENTE GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input checked="" type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013694

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-15 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-19 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/4-4/4 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. IV

Lack of unity of invention

1. ☒ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☒ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:

See Supplemental Box.
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos. _____

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/013694

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	2, 7-19	YES
	Claims	1, 3, 4, 5, 6	NO
Inventive step (IS)	Claims		YES
	Claims	1-19	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Reference is made to the following documents:			
D1: US 959 494 A (G.L. FISHER), 31 May 1910 (1910-05-31)			
D2: DE 94 11 009 U1 (RAMSAUER, DIETER, 42555 VELBERT, DE), 19 October 1995 (1995-10-19)			
D3: DE 80 32 588 U1 (RAMSAUER, DIETER, 5620 VELBERT, DE), 19 June 1981 (1981-06-19)			
2.1 Document D1 discloses (see page 1, line 58 to page 2, line 13, and figures 1 to 5) a lock for multiple locking of doors or wall sections in housings or cabinets (14), more particularly for outdoor use, by means of a securable actuator element, such as handle (19), comprising an input gear (15a) rotationally fixed to the actuator element (19) mounted in the door (10), which engages a locking bar (18) that has teeth on at least one end and is axially slidably mounted in the door (10), and having one or more bolt elements (1) rotatably or pivotably mounted in the door (10) and coupled to the locking bar (18). To couple the locking bar (18) to the bolt element or elements (1), each bolt element is rotationally fixed to an output gear (16) that is rotatably mounted on the door (10)			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>and engages the teeth on the locking bar (18).</p> <p>D1 thus discloses all the features that define the subject matter of claim 1. The subject matter of claim 1 therefore lacks novelty (PCT Article 33(2)), and consequently the application fails to meet the requirements of PCT Article 33(1).</p> <p>2.2 Dependent claims 2 to 19 do not contain any features that meet the PCT requirements in respect of novelty or inventive step when combined with the features of any of the back-referenced claims. The features of these claims either are obvious from the searched prior art, or relate to routine measures (see documents D1, D2 and D3 and the relevant passages cited in the international search report).</p> <p>2.3 The application meets the requirement of PCT Article 33(4) relating to industrial applicability.</p>

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box IV**Lack of unity of invention**

The Authority has found that the international application contains multiple inventions or groups of inventions which are not linked by a single general inventive concept (PCT Rule 13.1), namely:

Invention 1: Claims 1, 2-12 and 19 (when dependent on at least one of claims 2 to 12)

Lock with input gear.

Invention 2: Claims 1, 13-18 and 19

Recessed grip of a lock.

The reasons for this are as follows:

All the features that define the subject matter of independent claim 1 are already known from US 959 494 (document D1); see in particular input gear (15), locking bar (18) and output gear (15a).

1. However, the locking bar in D1 is not made of separate parts (claim 2). This feature can therefore be regarded as a special technical feature of the first invention that solves the problem of how to make the lock easier to assemble.

Supplemental Box

2. D1 does not show a recessed grip with a folding lever (claim 13). The folding lever makes the lock easy to use and can therefore be regarded as a special technical feature of the second invention.

The special technical features of the two inventions are clearly not the same. They also do not correspond to each other because the problems they solve are unconnected (see above).

The application fails to meet the requirement of unity of invention (PCT Rule 13.1) because there is no technical relationship between the subject matter of invention groups 1 and 2 involving one or more of the same or corresponding special technical features (PCT Rule 13.2).